

AMENDED IN SENATE APRIL 24, 2003

AMENDED IN SENATE APRIL 10, 2003

SENATE BILL

No. 544

Introduced by Senators Chesbro and Ashburn

February 20, 2003

An act to amend Section 6107 of, ~~and to add Section 27266 to,~~ the Government Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 544, as amended, Chesbro. Veterans: recorded documents.

(1) Existing law prohibits any public entity from charging any fee for recording, indexing, or issuing certified copies of specified documents related to service in the Armed Forces of the United States, including any public record required to apply for and receive benefits from the Veterans Administration or any other federal or state benefits. Existing law further requires that recording, indexing, or issuing certified copies of these documents be rendered on request of a United States official, a claimant or applicant, or the guardian, conservator, or attorney of the claimant or applicant, or any other person acting on behalf of the claimant or applicant.

This bill would provide that ~~any veteran's record that is recorded pursuant to these provisions shall be confidential and that copies of these veterans' records may be furnished only to either the person who is the subject of the record upon presentation of proper photo identification, to a spouse, child, or legal representative, as specified, or to a county office that provides veterans' benefits services upon written request of that office. The bill would require a county recorder~~

~~to keep an index of recorded veteran's records, which would be a public record subject to disclosure under the California Public Records Act.~~

By imposing new duties on a county recorder *and making it a misdemeanor to make a false declaration*, this bill would create a state-mandated local program.

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 6107 of the Government Code is~~
- 2 *SECTION 1. Section 6107 of the Government Code is*
- 3 *amended to read:*
- 4 6107. (a) No public entity, including the state, a county, city,
- 5 or other political subdivision, nor any officer or employee thereof,



1 including notaries public, shall demand or receive any fee or
2 compensation for doing any of the following:

3 (1) Recording, indexing, or issuing certified copies of any
4 discharge, certificate of service, certificate of satisfactory service,
5 notice of separation, or report of separation of any member of the
6 Armed Forces of the United States.

7 (2) Furnishing a certified copy of, or searching for, any public
8 record ~~which~~ that is to be used in an application or claim for a
9 pension, allotment, allowance, compensation, insurance
10 (including automatic insurance), or any other benefits under any
11 act of Congress for service in the Armed Forces of the United
12 States or under any law of this state relating to veterans' benefits.

13 (3) Furnishing a certified copy of, or searching for, any public
14 record ~~which~~ that is required by the Veterans Administration to be
15 used in determining the eligibility of any person to participate in
16 benefits made available by the Veterans Administration.

17 (4) Rendering any other service in connection with an
18 application or claim referred to in paragraph (2) or (3).

19 (b) The services referred to in subdivision (a) shall be rendered
20 ~~on~~ upon the request of a United States official, the claimant or
21 applicant, or the guardian, conservator, or attorney of the claimant
22 or applicant, or any other person acting on behalf of the claimant
23 or applicant. A public officer or employee is liable on his or her
24 official bond for failure or refusal to render the services.

25 (c) *A certified copy of any record referred to in subdivision (a)*
26 *shall only be furnished to:*

27 (1) *The person who is the subject of the record upon*
28 *presentation of proper photo identification.*

29 (2) *A spouse, child, or legal representative of the person who*
30 *is the subject of the record upon presentation of proper photo*
31 *identification and upon submittal of a declaration regarding his or*
32 *her relationship to the subject of the record. A person who declares*
33 *as true any material matter pursuant to this subdivision that he or*
34 *she knows to be false is guilty of a misdemeanor.*

35 (3) *A county office that provides veterans benefits services*
36 *upon written request of that office.*

37 SEC. 2. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution for
39 certain costs that may be incurred by a local agency or school
40 district because in that regard this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

6 However, notwithstanding Section 17610 of the Government
7 Code, if the Commission on State Mandates determines that this
8 act contains other costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code. If the statewide cost of the
12 claim for reimbursement does not exceed one million dollars
13 (\$1,000,000), reimbursement shall be made from the State
14 Mandates Claims Fund.

15 ~~amended to read:~~

16 ~~6107. (a) No public entity, including the state, a county, city,~~
17 ~~or other political subdivision, nor any officer or employee thereof,~~
18 ~~including notaries public, shall demand or receive any fee or~~
19 ~~compensation for doing any of the following:~~

20 ~~(1) Recording, indexing, or issuing certified copies of any~~
21 ~~discharge, certificate of service, certificate of satisfactory service,~~
22 ~~notice of separation, or report of separation of any member of the~~
23 ~~Armed Forces of the United States.~~

24 ~~(2) Furnishing a certified copy of, or searching for, any record~~
25 ~~that is to be used in an application or claim for a pension, allotment,~~
26 ~~allowance, compensation, insurance (including automatic~~
27 ~~insurance), or any other benefits under any act of Congress for~~
28 ~~service in the Armed Forces of the United States or under any law~~
29 ~~of this state relating to veterans' benefits.~~

30 ~~(3) Furnishing a certified copy of, or searching for, any record~~
31 ~~that is required by the Veterans Administration to be used in~~
32 ~~determining the eligibility of any person to participate in benefits~~
33 ~~made available by the Veterans Administration.~~

34 ~~(4) Rendering any other service in connection with an~~
35 ~~application or claim referred to in paragraph (2) or (3).~~

36 ~~(b) Any record of a member or veteran of the Armed Forces of~~
37 ~~the United States recorded pursuant to subdivision (a) shall be~~
38 ~~confidential, but an index of these records shall be a public record~~
39 ~~subject to disclosure pursuant to Section 6253.~~

1 ~~(c) A copy of any record furnished pursuant to subdivision (a)~~
2 ~~may be made available only to either of the following:~~

3 ~~(1) To the person who is the subject of the record upon~~
4 ~~presentation of proper photo identification.~~

5 ~~(2) To a county office that provides veterans' benefits services~~
6 ~~upon written request of that office.~~

7 ~~(d) A public officer or employee is liable on his or her official~~
8 ~~bond for failure or refusal to render the services.~~

9 ~~SEC. 2. Section 27266 is added to the Government Code, to~~
10 ~~read:~~

11 ~~27266. The recorder shall keep an index of all documents of~~
12 ~~any member or veteran of the Armed Forces submitted for~~
13 ~~recording pursuant to Section 6107.~~

14 ~~SEC. 3. Notwithstanding Section 17610 of the Government~~
15 ~~Code, if the Commission on State Mandates determines that this~~
16 ~~act contains costs mandated by the state, reimbursement to local~~
17 ~~agencies and school districts for those costs shall be made pursuant~~
18 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
19 ~~2 of the Government Code. If the statewide cost of the claim for~~
20 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~
21 ~~reimbursement shall be made from the State Mandates Claims~~
22 ~~Fund.~~